PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference **BRT-21570**	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. **PCT/EP2004/007332**	International filing date *(day/month/year)* **05.07.2004**	Priority date *(day/month/year)* **03.07.2003**

International Patent Classification (IPC) or national classification and IPC

H04N7/167, H04N7/173, G06F17/60

Applicant

BT IGNITE GMBH & CO

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1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of **11** _____ sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

   a. ☐ *(sent to the applicant and to the International Bureau)* a total of _____ sheets, as follows:

   ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

   ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s))

   _____ , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

   ☒ Box No. I   Basis of the report

   ☐ Box No. II   Priority

   ☐ Box No. III   Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

   ☐ Box No. IV   Lack of unity of invention

   ☒ Box No. V   Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

   ☐ Box No. VI   Certain documents cited

   ☐ Box No. VII   Certain defects in the international application

   ☐ Box No. VIII   Certain observations on the international application

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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (January 2004)

| Box No. I | Basis of the report |

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ , which is the language of a translation furnished for the purposes of:

  ☐ international search (Rule 12.3 and 23.1(b))

  ☐ publication of the international application (Rule 12.4)

  ☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

  pages   **1–17** _____ as originally filed/furnished

  pages* _____ received by this Authority on _____

  pages* _____ received by this Authority on _____

☒ the claims:

  nos.   **1–35** _____ as originally filed/furnished

  nos.* _____ as amended (together with any statement) under Article 19

  nos.* _____ received by this Authority on _____

  nos.* _____ received by this Authority on _____

☒ the drawings:

  sheets   **1/1** _____ as originally filed/furnished

  sheets* _____ received by this Authority on _____

  sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

  ☐ the description, pages _____

  ☐ the claims, nos. _____

  ☐ the drawings, sheets/figs _____

  ☐ the sequence listing *(specify)*: _____

  ☐ any table(s) related to sequence listing *(specify)*: _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

  ☐ the description, pages _____

  ☐ the claims, nos. _____

  ☐ the drawings, sheets/figs _____

  ☐ the sequence listing *(specify)*: _____

  ☐ any table(s) related to sequence listing *(specify)*: _____

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

Form PCT/IPEA/409 (Box No. I) (January 2004)

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	6, 7, 11, 32, 34, 35	YES
	Claims	1-5, 8-10, 12-31, 33	NO
Inventive step (IS)	Claims	7, 32	YES
	Claims	6, 11, 34, 35	NO
Industrial applicability (IA)	Claims	1-35	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1   The present report refers to the following documents:

D1: US 4 807 023 A (BESTLER CHARLES B ET AL), 21 February 1989

D2: US 4 890 322 A (RUSSELL JR THOMAS L), 26 December 1989

D3: "FUNCTIONAL MODEL OF A CONDITIONAL ACCESS SYSTEM", EBU REVIEW - TECHNICAL, EUROPEAN BROADCASTING UNION, BRUSSELS, BE, No. 266, 21 December 1995, pages 64-77, XP000559450, ISSN: 0251-0926

D4: US 5 794 115 A (SAITO MAKOTO), 11 August 1998

D5: US 5 592 551 A (HAYASHI MICHAEL T ET AL), 7 January 1997

D6: US 4 763 191 A (SORRENTINO ROBERT ET AL), 9 August 1988

D7: US 5 537 292 A (BOWEN DONALD H), 16 July 1996.

2   INDEPENDENT CLAIMS 1, 12, 20, 22 and 25:

2.1   The present application does not satisfy the requirements of PCT Article 33(1) because the

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

Document D1 discloses (the references between parentheses relate to D1):

methods for transmitting decipher codes for freely transmitted, encoded program contents and for the automatic creation of accounting data for the program contents, comprising the following steps:

a) clients establish a connection to a service provider using the subscriber network thereof (column 3, lines 20-26);

b) the network termination elements of the existing connection, in particular the call number of the client and the called number of the service provider, are determined (column 5, line 49, to column 6, line 52; Table I);

c) the decipher code for a program content is transmitted (column 16, lines 44-51);

d) accounting data are established on the basis of the network termination element, in particular the call number, the called number of the service provider and information on the requested program content (column 16, lines 51-54).

2.2 The present application does not satisfy the requirements of PCT Article 33(1) because the **subject matter of claim 12** is not novel within the meaning of PCT Article 33(2).

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Document D1 discloses (the references between parentheses relate to D1):

methods for transmitting decipher codes for freely transmitted, encoded program contents to a registered subscriber group, comprising the following steps:

a) clients establish a connection to a service provider using the subscriber network thereof (column 3, lines 20-26);

b) the network termination elements of the existing connection, in particular the call number of the client and the called number of the service provider, are determined (column 5, line 49, to column 6, line 52; Table I);

c) a verification is carried out to determine whether a registered right of access to the decipher codes exists for the network termination element of the client, in particular the call number (column 15, line 60, to column 16, line 51; figure 12);

d) if a right of access exists, the decipher code is transmitted (column 15, lines 51-54).

2.3 The present application does not meet the requirements of PCT Article 33(1) because the **subject matter of claim 20** is not novel within the meaning of PCT Article 33(2).

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Document D1 discloses (the references between parentheses relate to D1):

a device for transmitting decipher codes for freely transmitted, encoded program contents and for automatically establishing the accounts for these, wherein the device comprises the following:

a unit for establishing a connection between a client and a service provider using a client subscriber network, in particular a telephone link between a client and a service provider (column 6, line 51-54).

2.2   The present application does not satisfy the requirements of PCT Article 33(1) because the subject matter of claim 12 is not novel within the meaning of PCT Article 33(2).

Document D1 discloses (the references between parentheses relate to D1):

methods for transmitting decipher codes for freely transmitted, encoded program contents to a registered subscriber group, comprising the following steps:

a)   clients establish a connection to a service provider using the subscriber network thereof (column 3, lines 20-26);

b)   the network termination element of the existing connection, in particular the call number of

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the client and the called number of the service

provider, is verified (column 5, line 49, to

column 6, line 52; Table I);

c) a verification is carried out to determine

whether a registered right of access to the

decipher codes exists for the network

termination element of the client, in

particular the call number (column 15, line 60,

to column 16, line 51; figure 12);

d) if a right of access exists, the decipher code

is transmitted (column 16, lines 51-54).

2.3   The present application does not satisfy the

requirements of PCT Article 33(1) because the

subject matter of claim 20 is not novel within the

meaning of PCT Article 33(2).

Document D1 discloses (the references between

parentheses relate to D1):

a device for transmitting decipher codes for

freely transmitted, encoded program contents and

for automatically establishing the accounts for

these, wherein the device comprises the following:

a unit for establishing a connection between a

client and a service provider using a client

subscriber network, in particular a telephone link

between a client and a service provider (column 6,

lines 11-16);

a unit (22) for determining the network

termination elements of the existing connection

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between the client and the service provider, in particular the call number of the client and the called number of the service provider (column 6, lines 23-63; Table I);

a unit for transmitting the decipher code (column 16, lines 47-51); and

a unit (34, 38, 40, 42, 46, 50) for storing and/or forwarding accounting data, consisting of network termination elements, in particular the call number of the client and the called number of the service provider, and information concerning the program content for which the decipher code was transmitted (column 13, line 43, to column 15, line 59; column 16, lines 5-154; Table I).

2.4   The present application does not satisfy the requirements of PCT Article 33(1) because the subject matter of claim 22 is not novel within the meaning of PCT Article 33(2).

Document D1 discloses (the references between parentheses relate to this document):

a device for transmitting decipher codes for freely transmitted, encoded program contents and for automatically establishing the accounts for these, wherein the device comprises the following:

a unit for establishing a connection between a client and a service provider using a client subscriber network, in particular a telephone link between a client and a service provider (column 6,

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lines 11-16);

a unit for determining the network termination elements of the existing connection between the client and the service provider, in particular the call number of the client and the called number of the service provider (column 6, lines 23-63; Table I);

a storage unit for storing data of a registered subscriber group together with their corresponding network termination elements, in particular their call numbers (column 15, line 60, to column 16, line 41);

a unit for comparing the network termination elements, in particular the call numbers determined, with the registered data (column 15, line 60, to column 16, line 41); and

a unit for transmitting the decipher code (column 16, lines 47-51).

2.5   The present application does not meet the requirements of PCT Article 33(1) because the **subject matter of claim 25** is not novel within the meaning of PCT Article 33(2).

Document D2 discloses (the references between parentheses relate to D2):

a system for deciphering freely transmitted, encoded program contents, wherein the system comprises the following:

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a reception unit (figure 1, (18);figure 6 (B, G))

for receiving the encoded program contents;

a unit for establishing a connection between a

client and a decipher code transmission unit of a

service provider, using a subscriber network of

the client (figure 1, (28); figure 6, (P));

a storage unit for storing a decipher code

transmitted on a connection (figure 6, (R, S));

and

a decoder for deciphering the encoded program

contents using the decipher code (figure 6, (G,

M)).

3   DEPENDENT CLAIMS

Dependent claims 2-6, 8-11, 13-19, 21, 23, 24 and

26-35 contain no features which, combined with the

features of any claim to which they refer, meet

the PCT requirements for novelty and inventive

step. The reasons are as follows:

3.1   The additional features of dependent claims 2-5,

8-10, 13-19, 21, 23, 24 and 26-33 are likewise

suggested in documents D1 and D2 cited above or

are known from similar systems, as described in

documents D3 to D5 (see the search report

citations).

3.2   The additional features of dependent claims 6, 11,

34 and 35 are trivial developments which are known

from similar pay-per-view systems described in

documents D3, D6 and D7, and which a person

| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |

skilled in the art would be able to incorporate

into the system and method known from document D1,

without thereby exercising inventive skill.